

June 13, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, June 13, 2000, in the City Council Chambers of the Salisbury City Hall at 3:00 p.m. with the following being present and absent:

PRESENT: Andy Storey, Mark Perry, Jeff Smith, Jeff Sowers, Mark Lewis, Dee Dee Wright, Leigh Ann Loeblein, Ken Mowery, John Daniels, Sean Reid, Elaine Stiller

ABSENT: Fred Dula

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of May 9, 2000, were approved as published.

ZONING MAP AMENDMENTS

Z-7-00 James Fletcher Hodges and Marshall C. Ballard, U. S. 29 near Nesbit Drive

Location: West side of U. S. 29 between Nesbit Drive and Red Acres Road, extending to Raymond Avenue

Size: Three parcels containing approximately two acres

Existing Zoning: R-15 Single Family-15 Residential

Proposed Zoning: B-6 General Business

(a) Chairman Lewis convened a courtesy hearing on Z-7-00.

Those speaking in favor of the zoning change request:

James Hodges, 1560 Potneck Road, one of the petitioners. He owns the middle piece of property and is speaking on behalf of the other two property owners. This rezoning would bring the property in compliance with adjacent properties.

Keith Kelly, 3006 South Main Street – This is a good idea.

Marshall Ballard, one of the petitioners – Property only useful for business.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – This rezoning seems natural. Cited the recent B-6 rezoning for properties to the north. This area is developing into a business corridor. A committee should look at this strip of U. S. 29 as this is an entrance into the city.

Jeff Sowers – South Main is a commercial/industrial district. There is no opposition from neighbors. Quoted Policy 5.7 as being applicable to this case. Residential does not seem appropriate for this area.

On a motion by Ken Mowery, seconded by John Daniels, with all members voting AYE, the rezoning was favorably recommended to City Council.

Z-8-00 Dr. William W. Webb, North Craige Street near West Cemetery Street

Location: A rectangular area extending 109 feet along the 500 block of North Craige Street, with a depth of 200 feet to West Street

Size: Approximately 21,800 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: B-1 Office Institutional

Jeff Sowers was excused from the Board during discussion of this case due to a conflict of interest.

(a) Chairman Lewis convened a courtesy hearing on Z-8-00.

Those speaking in favor of the zoning change request:

Karen Alexander, representing Dr. Webb. A medical office is proposed for the site to be oriented toward Mocksville Avenue.

Domilie Green, 527 West Henderson Street. Supports the rezoning request. Someone should study the corner of Woodson and Cemetery streets in relationship to the number of accidents that have occurred at that corner. Also, at the corner of West Street and Cemetery Street.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – This will start a domino effect in this neighborhood. This is a very prominent African-American neighborhood and this would be the start of intrusion into Jersey City. There is already a hospital daycare in the neighborhood. A children's clinic is also being built. We're going to lose this neighborhood.

DeeDee Wright – Agrees with Sean and cites Policy 7.8 which talks about housing needs of the elderly, handicapped, low and moderate income housing. We need to be very careful how we slowly lose our neighborhoods.

Mary Perry – Even though these lots are presently vacant, he is concerned with the erosion of neighborhoods. There could potentially be houses on these lots. When you keep going into a neighborhood with commercial ventures, it sets a precedent.

Harold Poole – There's a major difference between what is being proposed today and what the Board looked at about a year ago. With this plan, there would be no intrusion on Cemetery Street. There would not be any access from Cemetery Street. This is a deepening of the B-1 Office Institutional district presently on Mocksville Avenue. Sees this as a good plan for the area.

Dan Mikkelsen – Showed the Board members a subdivision exception plat which has combined the four 200-foot deep lots into three 91-foot residential lots facing West Cemetery Street. The developer anticipates removing the houses now present on the front part of the property which will remain in the R-6 zoning district. Efforts are being made to build new houses on these lots.

Jeff Smith – A lot of effort has gone into making that portion of West Cemetery remain residential. Hopefully new housing will locate on the three lots which will strengthen the neighborhood. City needs to look at traffic calming for Cemetery Street.

Mark Lewis – Sees this as a good compromise between the pressures that all the residential neighborhoods along Mocksville Avenue and the hospital area are feeling. Mocksville Avenue, over the years, has transitioned from residential to business and medical uses. The proposed use is a good use for this property. Feels that B-1 is the highest and best use for the property.

DeeDee Wright moved to recommend denying the request. The motion was seconded by Sean Reid with Wright, Reid, Perry and Daniels voting AYE and Storey, Smith, Lewis, Loeblein, Mowery and Stiller voting NAY. The motion was denied.

Leigh Ann Loeblein moved to recommend approving the request. The motion was seconded by Jeff Smith with Loeblein, Smith, Storey, Lewis, Mowery and Stiller voting AYE and Wright, Reid, Perry and Daniels voting NAY. The motion carried.

Z-9-00 Hipp Enterprises, LLC, West Innes Street near Lilly Avenue

Location: A portion of parcel 42 located on the north side of the 1900 block of West Innes Street, across the street from West Corriher Avenue.
Size: Approximately 13,200 square feet
Existing Zoning: R-8 Single Family Residential
Proposed Zoning: B-RT Retail Trade Business (a portion of this property is already zoned B-RT)

(a) Chairman Lewis convened a courtesy hearing on Z-9-00.

Those speaking in favor of the zoning change request:

Darren Hipp, 2450 Woodleaf-Barber Road, the petitioner. His intent is to place a parking lot beside the house he has purchased. (The house is zoned B-RT; the land for the proposed parking lot is zoned R-8.) He wishes to operate a barber shop in the house. Intends to stay in compliance with the landscape policy which would be a six-foot fence bordering the Catawba side and a 20-foot fence along the back. No changes would be made in the front and back yards of the house if he can get a parking lot on the side of the house.

Those speaking in opposition to the zoning change request:

Martha West, 128 East Corriher. A neighborhood should be treasured. Doesn't object to a barber shop, but the barber shop might not always be located there. Is concerned with what could locate there in the future if it's rezoned. Noise and lights from what might locate on the property would be detrimental to the neighborhood. Could see future problems developing from having a parking lot that close a neighborhood and close to the college property.

Miles Mintz, 121 East Corriher. Any paving would directly drain onto his property. Biggest fear is what could develop next on the property. Would like to keep the neighborhoods the same. Don't encroach anymore on Catawba or any residential neighborhood in that area.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Sowers – Need to look at the bigger picture—what can happen on this piece of property down the road. This is an established neighborhood. There are 93 permitted uses in B-RT versus 15 in R-8. This could be a domino effect.

Elaine Stiller – Parking will be needed somewhere. Her concern is that the parking in the front or back would be less attractive than a lot beside the house.

Mark Lewis – Feels that B-RT for the entire parcel is inappropriate. Wondered if there could be some type of compromise. Mentioned the possibility of a special use district.

Leigh Ann Loeblein – Wants to see a site plan layout to see exactly what type of parking would sit on the existing site.

Jeff Smith moved to send this matter to a committee. The motion was seconded by Sean Reid with all members voting AYE except Mr. Daniels who voted NAY. The motion carried. Chairman Lewis referred this case to Committee 3 (Storey, chair; Mowery; Stiller; Daniels).

Z-10-00 Sapona Land Co., Mocksville, Barker and Highland avenues

Location: Property generally bounded by portions of Mocksville, Barker and Highland avenues.

Size: Approximately 2 ½ acres (five parcels)

Existing Zoning: B-1 Office Institutional and B-1-S Special Office Institutional

Proposed Zoning: MED Medical Services District

(a) Chairman Lewis convened a courtesy hearing on Z-10-00.

Those speaking in favor of the zoning change request:

Dr. Douglas Shellhorn, petitioner. This concludes the final phase of rezoning his property for a new building. He has spoken with the neighbors and everyone is in agreement with the rezoning.

Leroy Kirk, representing Rowan Regional Medical Center, 612 Mocksville Avenue

David Harrison, Highland Avenue. A number of adjacent neighbors along Highland and Mocksville avenues would also like to have their properties rezoned to MED. Has talked with the neighbors who have no opposition to the rezoning.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – The MED district was created for this area and he moved to recommend rezoning as proposed. The motion was seconded by Andy Storey with all members voting AYE.

Z-11-00 PASJ&J Enterprise, 2105 Old Concord Road

Location: 2105 Old Concord Road (west side of Old Concord Road and near Stone Ridge subdivision)

Size: Approximately 8.6 acres

Existing Zoning: A-1 Agriculture

Proposed Zoning: R-15 Single Family-15 Residential

Staff is suggesting that if the Board feels favorable toward this request, it should include the two one-acre parcels to the immediate north for R-15 zoning. The two lots would appear to be wedged in, with R-15 zoning on three sides, if not rezoned.

(a) Chairman Lewis convened a courtesy hearing on Z-11-00.

Those speaking in favor of the zoning change request:

Patricia Jobe, 2105 Old Concord Road, representing PASJ&J Enterprise. Indicated that the two adjacent property owners to the north did not object to the rezoning. The property abuts R-15 zoning. To sustain the neighborhood, thinks it is paramount that there not be any place where trailers could locate in that neighborhood. New blood would sustain that neighborhood. Wants to assist the city in its progress by producing quality homes. Stone Ridge has set the precedent, and they will more than meet the challenge.

Those speaking in opposition to the zoning change request:

Gary Hoffman, owns property at 2109 Old Concord Road, adjacent property owner to the south. A pond is located on the lower end of his property. Concerned with the safety factor for the residents of any new homes built on the property proposed for rezoning. Land has been posted.

Cynthia Alligood, 2125 Old Concord Road. Lived in this neighborhood her entire life. Over the years, she has watched the area deteriorate from family-oriented homes to rental homes or residential businesses. Motor vehicle traffic has greatly increased. Adding a development will not help either of these problems. Favors the more restrictive A-1 zoning to allow only one house per acre if any development must be done at all.

Alan Lyrly, 2115 Old Concord Road. Would like to see the area stay the way it is. From his house he would be looking at the rear of the new homes. Due to the type soil in the area, there will probably be septic tank problems.

Steve Karriker, 1925 Old Concord Road. Against the rezoning to R-15 due to the congestion it will cause within the neighborhood. The neighborhood is spacious, well-kept and developed with one house on one or more acres. His property was rezoned to R-15 several years ago and is not happy with it. Wants the A-1 district he originally had. The owner bought the property knowing it was zoned A-1 and restricted to one home per acre and should be held to that. Owner can still develop the property under A-1 regulations.

Mike Ingold, 2015 Old Concord Road (one of the property owners of the two parcels staff is recommending to also rezone R-15 if this request is favorably recommended). Bought his house three years ago because of the spacious-type neighborhood. If there has to be a change, would prefer something requiring at least one-acre lots.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Mark Perry – This is a gateway into Salisbury and needs to be protected. Doesn't want it developed for industrial nor high density residential use either. Would like to get it out of the A-1 classification and into the lowest density just for that corridor. We're going to lose it if we don't take charge and control it right now. Doesn't think A-1 is the answer, but also doesn't encourage R-15 density for this area.

Ken Mowery – Change is coming to this area. The neighbors have spoken that this rezoning is not appropriate at this time for this piece of property.

Sean Reid – Thinks that R-15 is not such a bad idea in the sense that R-15 is not high density.

Jeff Smith – Reluctant at this point to put housing there. That R-15 line is pretty solid where it is. Hopes this area will be studied at some point since this road is proposed for a five-lane thoroughfare. Property should stay as it is.

Mark Lewis – The city is looking for increased density inside the city. The one mile radius around the city is the future of the city. Eventually, this area will be annexed. The board needs to decide what type of development should occur along that highway. Likes the agricultural-type setting of Old Concord Road as it is now. However, as the city continues to expand, this area will come under pressure for development. R-15 is nowhere near the density of R-6 much less some of the densities that the city is talking about in their 2020 future vision plan.

Sean Reid moved to send the case to a committee. The motion was seconded by DeeDee Wright with all members voting AYE. Chairman Lewis referred the case to Committee 1 (Reid, Sowers, Dula, Perry).

COMMITTEE REPORT

Zoning Case Z-5-00 Shirley Everhart, Jake Alexander Blvd. and Dan Street

Mark Lewis reported for the committee. This matter is being sent to the Jake Alexander Boulevard committee to look at the portion of Jake Alexander Boulevard (both sides) that extends from the Salisbury Mall entrance south to the railroad tracks and develop a small area plan of what should be developing along that portion of the boulevard. Staff will ask Council for a 90-day extension to prepare the study which will include consideration of the Z-5-00 rezoning request.

GROUP DEVELOPMENTS

G-7-2000 South Main Apartments, 1205 South Main Street

The developer wishes to build five apartment units on property at the intersection of South Main Street and Mildred Street (recently closed by City Council). The Technical Review Committee recommends approval as submitted.

The following spoke in opposition to the proposal:

Marc Hoffman, 1215 South Main Street. Also speaking on behalf of Henry Buckner, 1209 South Main Street. Had a number of questions such as positioning of structure on property, street access, architectural style of proposed structure, lighting, on-site management, private fencing between 1205 and 1209 South Main, square footage for each unit, status of rear portion of property. Asked that whatever structure is eventually approved be in keeping with the architectural integrity of existing structures in the 1100 and 1200 blocks of South Main Street. City needs to deed the existing fire access alley to property owners as this is the only access to these properties. Keep as many trees as possible at 1205 South Main. There are three homes in the 1200 block of South Main Street, all owner-occupied. Although the opposite end of the block does include a business structure, asks the Board to consider restricting any new construction in the 1200 block to an architecturally appropriate structure. The eight homes in the 1100 and 1200 blocks are well-maintained, are examples of early 20th century American architecture, and have not experienced any significant modernization.

Anne Hoffman, 1215 South Main Street. Wants to maintain mid-level housing.

Board Discussion:

Mark Perry – Although this is not a large neighborhood, it is a significant neighborhood, representative of the architecture of its period. Concerned about the streetscape and the appearance of any new structures in this area. Asked that it be sent to a committee to see what the developer's intentions are regarding appearance and location of building on the property. The city needs this sort of project within the city where the infrastructure already exists. Wants to make sure that the appearance is compatible with the neighborhood. He then moved to send this item to a committee. The motion was seconded by Sean Reid with all members voting AYE. Chairman Lewis referred the matter to Committee 2 (Loeblein, Wright, Smith, Lewis).

G-8-00 Boyd Hough Insurance Office, 1505 Old Concord Road

The developer has submitted a site plan for the renovation of an existing house to be used as an insurance office. The Technical Review Committee recommends that this project be approved, noting the following conditions: (1) All setbacks and measurements must be taken from the future right-of-way per the city's thoroughfare plan. The plan shows the future right-of-way to be 100 feet. This is approximately 50 feet from the center of the street. The street yard and street trees must be a minimum of 50 feet from the center line of the street. (2) It is recommended that all parking be installed behind the existing structure.

The site plan shows six parking spaces in the front yard and two in the rear yard. If the future 100' right-of-way is used, the planting yard shown on the site plan will need to be moved

10 feet, thereby eliminating two of the six parking spaces in the front yard. The TRC is recommending (not requiring) that all eight parking spaces be placed behind the building.

The developer, Boyd Hough, disagreed with the two conditions. A large number of his clients are older citizens. Parking in the rear of the building would require them to walk about 120 feet uphill to enter the front of the building. Parking in the front would be an easier walk on level ground. The entrance in the back of the building goes into a cellar and the door on the end would enter into a file room containing confidential information. His long-range plan is to build a new office building on one side of the property, move the driveway, and remove the existing structure. His plan meets the guidelines of the landscape ordinance. The state has no immediate plans to widen Old Concord Road, and it will take years before that could actually happen. Therefore, he feels that the setbacks should not be considered from the future right-of-way. He wishes to put his street yard in the area the city is saying is the future right-of-way. He would like to be able to use it for his street yard until the city is ready to use it.

Board Discussion:

Ken Mowery – The developer is not putting any permanent structures in the 10-foot setback area and using it for his planting yard. Doesn't see how we can require him to use a different line from what is legally the line right now.

Dan Mikkelson (City Engineer) – This requirement, to measure the setback from the future thoroughfare, is a standard comment, and the Board has heard it from staff quite often. Is concerned with the precedent that would be set if the Board set aside this requirement. Greater setback than what is the current right-of-way is an example of other special requirements the Board can require of the developer.

Mark Perry – Should limit the parking to four spaces in the front.

Mark Lewis – In discussions of the Salisbury 2020 Vision Committee, consideration is being given to requiring parking only in side and rear yards with no parking in the front yard.

DeeDee Wright moved to recommend approval of the site plan, observing all setbacks and measurements from the future right-of-way (as stipulated in the TRC's first condition), and with a maximum of four parking spaces in the front yard with the remaining in the rear yard. The motion was seconded by John Daniels with all members voting AYE except Jeff Smith who voted NAY. He indicated he agrees with the first requirement of the TRC, but he would prefer the parking on the side and in the back with the front yard area left as green space.

SUBDIVISION

S-9-00 Oakview Commons, Section 3, off Faith Road

The developer has submitted a preliminary plat for Section 3 containing 37 acres and creating 66 residential lots. The Technical Review Committee recommends approval of the preliminary plat. On a motion by Sean Reid, seconded by Ken Mowery, with all members voting AYE, the preliminary plat was approved.

COMMITTEE REPORTS

- (a) Extensions of MH Overlays – Jeff Sowers reported that the Legislative Committee will meet one more time on this matter.

- (b) Transportation Special Committee – Mark Lewis gave a status report. The committee is recommending that a Transportation Committee be written into the Board's Rules of Procedure as a standing committee. On a motion by Sean Reid, seconded by Jeff Smith, with all members voting AYE, this was referred to the Rules of Procedure committee.
- (c) VCOD Committee – Mark Perry reported that the committee had met and was presented with a rough draft of the VCOD ordinance prepared by staff. The committee will probably recommend that emphasis be given to design and development standards versus architectural review committee standards as recommended by the Innes Street Vision Committee. The committee hopes to have something ready by next month's meeting. Copies of the draft Visual Corridor Overlay District ordinance were distributed to Board members.

COMMITTEE ASSIGNMENTS

Chairman Lewis indicated there were several issues he wanted to refer to the Legislative Committee to evaluate. One of them is billboards inside the city zoning jurisdiction. We still have billboards down Jake Alexander and down South Main. He would like the committee to evaluate our current policy in the sign ordinance regarding those and see if there's anything that needs to be done.

The only time the Board gets to see site plan review is when there's a general development overlay, when there's a group development, and subdivision plats. There's a lot of commercial and industrial development in the city that does not require site plan review. If we want to be good custodians of our city, we should at least look at requiring site plan review of any development in certain zoning classifications. He asked that the Legislative Committee look at that issue.

There is a lot of M-1 zoning on South Main Street near Cone Mills and the Cone Mills neighborhood. He would like a study done of that area. He also wants a small area plan done for the Interstate 85 and Julian Road intersection before it's too late. He asked for volunteers for the two committees. He volunteered to chair the Julian Road committee. Jeff Smith, Sean Reid and Elaine Stiller volunteered to work with him on that committee. Sean Reid volunteered to chair the M-1 zoning on South Main Street. Mark Perry, Ken Mowery and Jeff Sowers volunteered to serve on this committee.

RETREAT

The Planning Board retreat has been scheduled for August 29, 2000.

There being no further business, the meeting was adjourned.

Secretary

Chairman